IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8524 of 2004

Between:

1D.Madanna, S/o.Venkatramappa,Secretary, M.G.Bapuram PACS, Bapuram Village, Kothalam Mandal, Kurnool District.

..... PETITIONER

AND

1. The M.G.Puram Primary Agricultural Co-operative Society Ltd., M.G.Bapuram, rep. by its Chairman, Bapuram Village, Kowthalam Mandal, Kurnool District.

2. The District Cooperative Officer, Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned order dated 31.08.2003 of the 1st respondent herein as arbitrary, illegal and violative of principles of natural justice and fair play apart from the gross violation of provisions of the A.P.Co-operative Societies Act and consequently direct the respondents to reinstate the petitioner in the post of Paid Secretary.

Counsel for the Petitioner:Smt.P.Padmavathi.

Counsel for the Respondents: GP FOR COOPERATION & AGRICULTURE

The Court made the following :

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O R D E R:

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The petitioner herein who worked as Secretary in the 1st respondent-Bapuram Primary Agricultural Cooperative Credit Society Limited, Kowthalam Mandal, Kurnool Diistrict filed this writ petition stating that the 1st respondent without giving any opportunity of hearing to the petitioner and without conducting any enquiry, passed suspension orders against the petitioner, dated 05.12.2003.

Admittedly, the 1st respondent Society is not a State, within the meaning of Article 12 of the Constitution of India. On an earlier occasion this Court in W.P.No.3171 of 2003 and batch, dated 30.08.2004 held that the writ petition is not maintainable against the Primary Agricultural Co-operative Society, which is not a State within the meaning of Article 12 of the Constitution of India amenable to the writ jurisdiction of this Court.

In view of the above, the writ petition is dismissed, with a liberty to the petitioner to seek appropriate remedies. No costs.

07.09.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.2CCs to the G.P.for Co-operation, High Court of A.P., Hyderabad.

2. 2CD copies.